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OFFICE OF PETITIONS

In re Patent No. 6,534,489 :
Issue Date: March 18, 2003 :
Application No. 09/856,789 :
Filed: May 25, 2001 :
Attorney Docket No. JOMAA-1(PCT) :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed May 16, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

This patent expired on March 19, 2011 for failure to pay the seven and one half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

The appropriate payment of the surcharge was not submitted with petition. A total of \$2,050 was received herewith petition. The seven and one-half year maintenance fee is \$1,240 and the surcharge is \$1640 which is a total of \$2880. A payment of \$830 is needed to complete the payment of the surcharge.

Also, the incorrect petition form was filed the instant application. A petition to accept unintentionally delayed payment of the maintenance fee in an expired patent (37 CFR 1.378(c)) form PTO/SB/66 is required. The form PTO/SB/66 has been included for your convenience.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A courtesy copy of this decision is being mailed to the address on the petition. However, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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 Post Office Box 1450
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By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Terri Johnson at (703) 571-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Donald J. Daley**
 P.O. Box 8910
 Reston, VA 20195

Enclosure: Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent, PTO/SB/66

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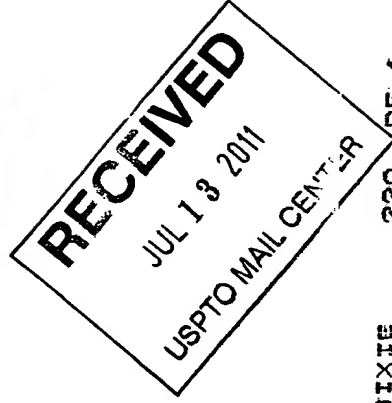
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